

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

ANTHONY BRODZKI,

No. 03:11-CV-878-HU

Plaintiff,

ORDER

v.

UNITED STATES OF AMERICA,

Defendant.

Anthony Brodzki, Pro Se
6900 Herman Jared Dr.
North Richland Hills, TX 76182

///
///
///
///
///

HERNANDEZ, District Judge:

Magistrate Judge Hubel issued a Findings and Recommendation (# 7) on January 12, 2012, in which he recommends that the Court should grant Plaintiff's application for leave to proceed *in forma pauperis* (#1), but dismiss the complaint with prejudice. Plaintiff Anthony Brodzki timely filed objections to the Findings and Recommendation. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1); Dawson v. Marshall, 561 F.3d 930, 932 (9th Cir. 2009); United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).

Plaintiff objects to the Findings and Recommendation because the complaint should be liberally construed and requests a chance to fix the complaint. Pl.'s Objections, 1. Magistrate Judge Hubel found that the allegations in the complaint were frivolous, irrational, and legally deficient. Findings & Recommendation, 3-4. Because it was apparent that the deficiencies in the complaint could not be fixed, he recommended dismissal with prejudice. Id. at 5. I have carefully considered Plaintiff's objections and conclude that the objections do not provide a basis to modify the recommendation that the complaint be dismissed with prejudice. I have also reviewed the pertinent portions of the record *de novo* and find no error in the Magistrate Judge's Findings and Recommendation.

///

///

///

///

CONCLUSION

The Court adopts Magistrate Judge Hubel's Findings and Recommendation (#7). Therefore, Plaintiff's application to proceed *in forma pauperis* (#1) is granted, but the complaint is dismissed with prejudice.

IT IS SO ORDERED.

DATED this 16th day of February, 2012.

/s/ Marco A. Hernandez
MARCO A. HERNANDEZ
United States District Judge